

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LEE ROY HERNANDEZ

VS.

GROENDYKE TRANSPORT, INC.

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CIVIL NO. 3:21-CV-0108-D

**DEFENDANT GROENDYKE TRANSPORT, INC.'S MOTION TO COMPEL NOTICE
OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, GROENDYKE TRANSPORT, INC, DEFENDANTS herein, and files this, its Motion to Compel Notice of Intention to Take Deposition by Written Question propounded to Rajiv R. Sinha, M.D. and as grounds therefore would respectfully show unto this Honorable Court as follows:

1.

Defendant issued its Notice of Intention to Take Deposition by Written Questions to the Plaintiff, Lee Roy Hernandez' doctor, Rajiv R. Sinha, M.D on or about October 1, 2021, by forwarding such request by United Postal Services to Rajiv R. Sinha, M.D., who was served by subpoena on or about October 6, 2021 (see **Exhibit "A"**). The deposition by written questions provided that twenty (20) days from the service of a copy with attached questions a deposition by written questions will be taken by the Custodian of Records for Rajiv R. Sinha, M.D (see **Exhibit "B"**).

2.

Defendant would show that more than twenty (20) days have elapsed and that the Custodian of Records for Rajiv R. Sinha, M.D has failed to respond to said written questions. The Custodian of Records for Rajiv R. Sinha, M.D has failed to object to said written questions within the time allowed by Rule 200.2(5), Texas Rules of Civil Procedure, and is now obligated to answer.

3.

Defendant would further show that its record retrieval company, U.S. Legal Services contacted Rajiv R. Sinha, M.D numerous times to request the records from such Notice and left detailed messages (see Affidavit as **Exhibit “C”**). It has now been more than one hundred ninety-six (196) days since said Notice was served on Rajiv R. Sinha, M.D and it has failed to produce said medical records.

4.

Defendant would further show that, because this Custodian of Records has failed to answer, Defendant has been forced to have his attorney of record prepare and file this Motion to Compel Responses to Deposition by Written Questions and will be required to attend a hearing on this motion and that, under the provisions of Rule 215, the Defendant is entitled to a reasonable attorney's fee. Defendant alleges that Five Hundred and No/100 Dollars (\$500.00) is a reasonable fee for legal services rendered in connection with such Motion to Compel Responses to Written Deposition Questions and Order on such motion.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant moves this Honorable Court to issue its Order compelling the Plaintiff's doctor, Rajiv R. Sinha, M.D to respond to the Notice of

Intention to Take Deposition by Written Question and that the Defendant be awarded as costs taxed against Rajiv R. Sinha, M.D the sum of Five Hundred and No/100 Dollars (\$500.00) as reasonable attorney's fees as provided by Rule 215, for obtaining such Order.

Respectfully submitted,

NAMAN, HOWELL, SMITH & LEE, PLLC
1300 Summit Ave., Suite 700
Fort Worth, Texas 76102
Tele. (817) 509-2044
Fax. (817) 509-2060
E-Mail: sodell@namanhowell.com

BY: /s/ Michael Shane O'Dell

MICHAEL SHANE O'DELL
State Bar No. 24065835
CHRISTINA MARIE RUSSO
State Bar No. 27127061
ATTORNEYS FOR DEFENDANT
GROENDYKE TRANSPORT, INC.

CERTIFICATE OF SERVICE

I hereby certify that on the 20th of April 2022, the foregoing document, was filed with the Clerk of Court using the CM/ECF system, and was served on counsel via **E-mail**:

jv@jvlawfirm.com

Javier Villarreal

mike@jvlawfirm.com

Miguel Trevino

LAW OFFICES OF JAVIER VILLARREAL, PLLC

2401 Wildflower Drive, Suite A

Brownsville, Texas 78520

/s/ Michael Shane O'Dell

Michael Shane O'Dell